IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.8004/07
Kistoor Vs. MACT, Gangapurcity & Anr.

13.12.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri J.P. Gupta for petitioner.
Shri Praveen Jain for respondent no.2.

The petitioner has filed this writ petition with the prayer that the order passed by the MACT, Kekri dated 18.7.2007 be set aside and the Tribunal may be directed to release the amount of Rs.60,000/- lying in Fixed Deposit pursuance to the award dated 22.9.2006. The learned counsel submitted that petitioner needs the aforesaid amount because he is 60 years old and has no source of earning and he needs the money for his routine affairs. He is a major person and therefore even if the Tribunal originally directed for

deposit of the said amount in the FDR, he can legitimately ask for withdrawal of that amount even before its maturity.

Having heard the learned counsel for the petitioner and perused the material on record, I consider it appropriate that the petitioner who is major and when he requires the money for his livelihood, the Tribunal was not justified in not accepting his prayer. The petitioner being a major, unlike in the other cases where investment is made in the name of minors for their welfare, payment of the FDR cannot be denied to the petitioner more particularly when he requires the amount for his personal needs which was one of the reason for his filing the claim petition.

In the facts of the case, the petition is allowed and it is directed that the entire amount of the aforesaid FDR kept

with the respondent bank for the sum of Rs.60,000/- shall be paid together with interest to the petitioner within two weeks from the date the certified copy of this order is produced before the Tribunal.

(Mohammad Rafiq),J.

Rs/-